

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/806,856	0:	3/23/2004	Dale Stuart Shepard	S-00047-001 2474		
25179	7590	10/11/2006		EXAM	EXAMINER	
A PATENT	LAWYE	R CORP, PC	MAGUIRE, LINDSAY M			
R WILLIAM	GRAHAN	M				
22 S ST CLAIR ST				ART UNIT	PAPER NUMBER	
DAYTON, C	DAYTON, OH 45402			3634		
				DATE MAILED: 10/11/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/806,856	SHEPARD, DALE STUART					
Office Action Summary	Examiner	Art Unit					
	Lindsay M. Maguire	3634					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period was period for reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin vill apply and will expire SIX (6) MONTHS from 1. cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 28 Ju	ine 2006.						
,	action is non-final.						
·—							
closed in accordance with the practice under E							
Disposition of Claims							
4)⊠ Claim(s) <u>1-7</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw	wn from consideration.						
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1 and 7</u> is/are rejected.							
7) Claim(s) <u>2-6</u> is/are objected to.							
• • • • • • • • • • • • • • • • • • • •	8) Claim(s) are subjected to: 8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers							
	•						
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
•	carriller. Note the attached Office	77.00.017.017.017.1.0					
Priority under 35 U.S.C. § 119	•	•					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents	s have been received.						
2. Certified copies of the priority documents have been received in Application No.							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail D						
3) Notice of Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application							
Paper No(s)/Mail Date <u>3/23/04</u> .	6) Other:						

Application/Control Number: 10/806,856

Art Unit: 3634

DETAILED ACTION

This Final Office Action is in response to the application filed on March 23, 2004 and the amendments filed on June 28, 2006.

Specification

The amendment filed on June 28, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "and wherein once the cross-tee is so connected to the main-tee to form a permanent cross structure portion of the grid, the device is configured to be slidably removed from the permanent cross structure portion."

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

Art Unit: 3634

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically the added phrases of "and wherein the cross-tee is so connected to the main-tee to form a permanent cross structure portion of said grid, said device is configured is configured to be slidably removed from said permanent cross structure portion" (claim 1, lines 14-16) and "slidably removing said device from said cross structure portion" (claim 7, line 8), are considered new matter. It is improper for an applicant to seek to introduce matter into the claims that was not previously disclosed.

Claims 1 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The recitation "the cross-tee is so connected to the main-tee to form a permanent cross structure portion of said grid, said device is configured to be slidably removed from said permanent cross structure portion" (lines 14-16, claim 1). Specifically, it is unclear how a permanent cross structure portion can be slidably removed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Application/Control Number: 10/806,856

Art Unit: 3634

Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: between the permanent cross structure portion and the device being slidably removable.

Allowable Subject Matter

Claims 1 and 7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-6 would be allowable if rewritten to overcome the rejection(s) under 35

U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3634

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/806,856

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lindsay M. Maguire 9/29/06

RICHARD E. CHILOOT, JR.